

## Gaming Laws - Disposition of Contraband Money

FOR the purpose of prescribing the effect of probation under Article 27, Section 641, on a claim for return of money seized for a violation of gaming laws; and generally relating to claims for return of such seized money.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments  
Section 264(d)  
Annotated Code of Maryland  
(1976 Replacement Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

## Article 27 - Crimes and Punishments

264.

(d) (1) Upon the ultimate disposition of such charge or charges, indictment or indictments, resulting in acquittal, dismissal, a stet, [or] a nolle prosequi, OR PROBATION UNDER THE PROVISIONS OF SECTION 641, any person claiming that all or any of the seized money, currency, or cash is not contraband of law under (a) and should be returned to the claimant, within one year after the date the judgment or order was entered or the action was taken which constituted the ultimate disposition, may make application on giving ten days' prior written notice to the State Treasurer, custodian, county treasurer, or director of finance, to the appropriate court for a determination that the money, currency, or cash is the property of the claimant and for an order that it be returned.

(2) In a proceeding upon that application an acquittal, a dismissal, or a nolle prosequi with respect to the gambling charges or indictments involved in the seizure of the money, cash, or currency is prima facie evidence that it is not contraband. A conviction, plea of guilty or of nolo contendere, and probation [prior to judgment] UNDER THE PROVISIONS OF SECTION 641 is prima facie evidence that it is contraband. No presumption in the proceeding shall attach to an entry of stet.

(3) If a petition is not timely and properly filed, or if it is finally decided against the claimant, the seized moneys not disposed of shall be forfeited to the custodian without further judicial action.

(4) Timely notice must be given by certified mail or other appropriate means to any known claimants, at their last known address, of the requirements of this